IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2919 OF 2006

M/s. J.Bo.Boda & Co.Pvt.Ltd. & Ors. ... Petitioners.

V/s.

J.B. Boda & Co.Pvt.Ltd.Employees Union & Ors. ... Respondents.

....

Mr. V.P. Vaidya for the Petitioners.

Mr. Sanjay Udeshi for Respondent No.2.

Mr. P.S. Lad, Petitioner present.

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CORAM : DR. D.Y.CHANDRACHUD,J.

11TH DECEMBER, 2006.

P.C. :

1. At the hearing of the Petition, Counsel appearing on behalf of the Petitioners and for the First Respondent are agreed that the following order may be passed by consent and without the recording of reasons :-

(i) The Petitioners have agreed to abide by the order of the Labour Court, which was confirmed in revision by the Industrial Court by granting reinstatement to the workman concerned, Shri P.S. Lad in the same post which he was holding on the date of termination. The management has agreed to do so on the assurance of the workman who is present before the Court that in compliance with the order dated 28th March 2002, he shall report to the establishment of the Petitioners at Kandla. The

workman has stated that he would report at Kandla on 13th December 2006. The management is agreeable to the workman reporting on the said date and in any event no later than 18th December 2006;

(ii) In substitution of the order for the payment of backwages that was passed by the Labour Court and confirmed in revision by the Industrial Court, the Petitioner shall pay to the workman a sum equivalent to 20% of the backwages between the order of termination until the date of reinstatement;

(iii) The backwages shall be paid over to the workman by the management together with the salary payable for the month of May 2006, conditional on the workman continuing to report for work at Kandla till then (subject to the grant of such leave as is sanctioned by the management).

(iv) The workman would be entitled to such spread over for the purpose of income tax as admissible in accordance with the law.

(v) The workman will be entitled to continuity of service.

2. The Petition is accordingly disposed of in the aforesaid terms, since no other point has been pressed on either side.